

Appl. No. 10/024,323  
Amdt. Dated August 1, 2005  
Reply to Office action of May 2, 2005  
Attorney Docket No. P15305US1  
EUS/J/P/05-3173

### **REMARKS/ARGUMENTS**

#### **Claim Amendments**

The Applicant has amended claims 1, 5-6, 11,18,24-25, 28, 31-32, 36, and 44. Support for the substantive amendments is found in the Detailed Description regarding Figures 5 and 6 (paragraphs 31-38). Applicant respectfully submits no new matter has been added. Accordingly, claims 1-44 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1-5, 18, 27-31, 36, 37, and 43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kotzin, et al. US 6470180 (hereinafter, Kotzin). The Applicant respectfully traverses this rejection and submits that Kotzin does not disclose (directly or inherently) at least the following features present in claim 1 (similar features can be found in independent claims 18, 28 and 36: 1) an embedded code in the application software and 2) comparing a code in the end-device with the embedded code to confirm authorization.

The Applicant respectfully directs the Examiner's attention to amended independent claim 1.

1. (Currently Amended) A telecommunications system, comprising:  
a local communications network and an external communications network, said local communications network comprising  
an interface device for interfacing between said local communications network and said external communications network for downloading an application software from an application software source, wherein a code is embedded in said downloaded application software; and  
an application end-device for operating said downloaded application software, wherein the code, known only to the interface device and the end-device, is used to confirm that the end-device is an authorized end-device. (emphasis added)

The Applicant's invention discloses a system and method for providing a software application to an end user in a local communications network. The software

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application is downloaded through a first port on an interface device (e.g., mobile phone) from a software source residing in an external telecom network. The software is to be used with an end-device through a second port in the mobile phone. In order to ensure that the end-device is authorized to use the software with the mobile phone, the mobile phone encrypts an embedded code that is included in the downloaded software. The encrypted code is sent to the end-device, which decrypts the code and compares the decrypted, embedded code to a code that is present on the end-device. If the codes match, the device is an authorized device.

The Kotzin reference appears to disclose a system allowing a caller to mechanically send a signal that will substitute appropriate audible sounds in the receiver's device. The Quiet Call embodiment discloses software that displays conversational elements for a user, e.g., mobile telephone user, to send in response to audible sounds received by the mobile telephone and heard by the user through an earplug. Conversation may take place between the caller to the mobile phone user and the user by the user listening through an earpiece to the caller conversation and responding by clicking on certain phrases displayed on the phone's view screen.

Amended claim 1 provides an embedded code in downloaded application software as a security measure. In order to utilize the application, the embedded code must be the same as a code that is preloaded on an authorized application end-device. When the interface device, e.g., a mobile phone, downloads the application software, the mobile phone isolates the embedded code and sends it to the application end-device. The Application end-device compares the preloaded code with the embedded code and if they match, the mobile phone and end-device may then use the application software together.

The Kotzin reference does not disclose the use of a code embedded in the downloaded software for confirming that the application end-device is a qualified application end-device. This being the case, claim 1 and all claims dependent therefrom are distinguishable from the Kotzin reference and a withdrawal of the rejection of claim 1 and the respective dependent claims 2-5 is respectfully requested.

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does not utilize embedded code nor does Freeny compare a code from the software that has been downloaded to a code known only to the end-device (page 14 para 36).

The Applicant respectfully asserts that neither Freeny nor Kotzin suggests or teaches comparing an embedded code to a known code to determine whether an end-device is qualified. This being the case, the Applicant respectfully request the withdrawal of claims 6, 7, 11 - 17, 22 - 26, 32, 38 - 39 and 44 since the subject elements are included in the respective independent claims of the listed depend claims.

Claims 8 - 10, 19 - 21 and 33 - 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kotzin, et al (US 6470180) as applied to claims 1, 5, 18 and 28, above, and further in view of Nelson (6823184).

As noted above, Kotzin does not contain the limitations claimed in claims 1 and 18. Claim 5 depends from claim 1 and contains the same limitations set forth in claim 1. The Applicant respectfully requests the withdrawal of the rejection of these claims.

Claims 40 - 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kotzin, et al (US 6470180) as applied to claims 36 above.

Claims 40-42 depend from amended independent claim 36 and contain the same limitations as claim 36. The Applicant respectfully requests the withdrawal of the rejection of these claims.

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Claims 18, 28, and 36 have been amended in a similar manner to claim 1 and contain similar novel limitations. The respective dependent claims provide additional limitations to the content of the amended independent claims. Therefore, the Applicant respectfully requests the withdrawal of the rejection of these independent claims and their respective independent claims 27, 29-31, 37 and 43.

#### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 6, 7, 11 - 17, 22 - 26, 32, 38 - 39 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kotzin, et al (US 6470180) as applied to claims 1, 5, 18, 28, 36, above, and further in view of Freeny Jr., et al. (US 6490443). The Applicant respectfully traverses this rejection and submits that neither Kotzin or Freeny discloses (directly or inherently) at least the following features present in claim 1 (similar features can be found in independent claims 18, 28 and 36: 1) an embedded code in the application software and 2) comparing a code in the end-device with the embedded code to confirm authorization.

The Freeny reference appears to disclose a method and system for providing authorization of a user, e.g., a computer, to access and receive a service from proximity service unit utilizing a "proximity authorization unit" and for use with. The proximity authorization device sends data to the proximity service unit, which computes a special Service Provider Identification Number (SPIN) and determines whether the computed SPIN number matches a stored SPIN. When the proximity service unit generated SPIN matches a stored SPIN in a computer service to the computer is authorized. The stored SPIN may be periodically inserted by the proximity system owner (Col. 38, lines 34-48).

The Applicant's invention, in contrast to Freeny, provides a code embedded in the software to be downloaded. The code is separated from the software, encrypted and sent to the end-device that will work with the software and the interface from which the end-device received the encrypted code. The encrypted code is decrypted and if the decrypted code matches a code known to the end-device the end-device is determined to be an authorized/qualified end-device. As described above the Freeny reference

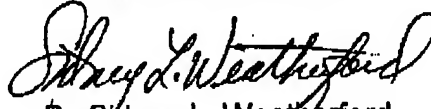
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### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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